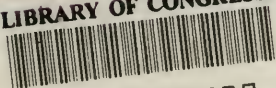


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[From the Proceedings of the State Historical Society of
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John B. Cassoday

By E. Ray Stevens

Chief Justice Cassoday began the practice of law among the lawyers and judges who were actively engaged in work at the bar when Wisconsin's code of laws and system of jurisprudence were established. Few men that shared with him the labors of administering the law while he was at the bar, survive him. No member of the present supreme bench, and few men, lawyers or laymen, can say, as he did, that Justice Crawford, who was a member of the supreme court from 1853 to 1855, "is the only member of this court with whom I never had any personal acquaintance."¹

For fifty years Justice Cassoday took an active part in shaping the destinies of his adopted state, to which he came as a young man of twenty-seven, ready to seek admission to the bar. He came to Wisconsin but nine years after it was admitted to the Union; visited Madison at the close of the third commencement at the State University; journeyed northward by stage as far as Baraboo, in search of a location; was admitted to the bar at Janesville July 18, 1857, and began to practice in that city at the time when the problems of slavery and secession engrossed the attention of thinking men.

As he was ever a pleasing and effective speaker, he was much in demand on public occasions. During the times of secession and reconstruction, no campaign passed that did not find him doing the good citizen's duty at the caucus, in the convention, and on the stump.

In these stirring times he was one of the trusted counselors of his party. He was a delegate to the national convention that nominated Lincoln in 1864. In 1879 he presided over the

¹ 123 Wis. xxxiv.





John B. Cassoday

John B. Cassoday

Republican state convention. In the national convention of 1880, it was the announcement, made by him as chairman of the Wisconsin delegation, in voice clear as bugle note, that "Wisconsin casts two votes for General Grant, two votes for James G. Blaine, and twenty votes for General James A. Garfield" that electrified the convention, broke the deadlock, and led to the nomination of President Garfield.

During these years Justice Cassoday's name was urged for such offices as that of attorney-general and governor, member of Congress, and United States senator. He was also suggested as the successor of Judge Hopkins on the federal bench, at the time of Judge Romanzo Bunn's appointment. But with the exception of two terms in the assembly, he never permitted himself to be drawn away from his law practice by becoming a candidate for office. He sat as a member of the last assembly that met during the War of Secession, and was speaker of the assembly that convened January 10, 1877, which under his guidance completed its work and adjourned on March 8. For the information of those who have known recent legislatures, it ought to be added that it was March 8 of the same year.

It will aid us in appreciating the changes that have taken place in Wisconsin during the life of Justice Cassoday, to recall that it was during his service as member of the assembly of 1865 that the legislature memorialized Congress for a daily overland mail route from Green Bay northward to Marinette, where the sawmills and the lumbering interests require "increased mail facilities." During this same session the legislature urged Congress to introduce "the new railway distributing postoffice system," because under the system then in use "a delay of twelve hours and upwards is necessarily incurred at the Chicago office" in the transmission of a letter from Wisconsin to the East.

To Justice Cassoday a public office was a public trust to be administered for the public good. When he was elected speaker, the powers that controlled the Republican party in the State determined that Mr. James G. Flanders of Milwaukee, a member of the assembly, should be punished for deserting the Republicans and joining the ranks of the Democracy in the recent campaign. They demanded of the speaker that Mr. Flanders be kept off the judiciary committee. But they made their de-

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mands in vain. Speaker Cassoday, recognizing that Mr. Flanders could thus best serve the State, made him a member of that important committee.

Chief Justice Cassoday rendered his greatest service to the State after his appointment to the supreme bench on November 11, 1880. Of all who have been justices of that court, Chief Justice Cole alone served for a longer period of time. In view of the constantly increasing volume of work before the court, it may well be doubted whether Chief Justice Cole participated in the decision of as many cases during his thirty-seven years of service as did Justice Cassoday in his twenty-seven. Eighty-four of the one hundred and thirty-three volumes of the published reports of the supreme court contain opinions written by Justice Cassoday.

One who does not know the character of service performed by the justices of the supreme court will never appreciate the protracted confinement and seclusion, the patient, severe, and continued study and investigation which he devoted to the cases submitted to the court for determination. When he entered upon the work he was fifty years of age. He never had been a man of the most robust health. But so carefully did he husband his physical strength that it was not until he had devoted a quarter of a century to this most exacting labor that his physical strength began in any way to limit his mental achievements; and then the end came, on December 30, 1907, while he was engaged in the labor to which he had devoted himself with a zeal akin to that of a religious zealot.

Upon his appointment to the bench he gave up active participation in affairs outside the court-room; his church, this State Historical Society, and the State University standing almost alone as exceptions to this rule of conduct. From 1876 to 1880, and again from 1885 to 1899, he lectured in the law school of the State University, upon wills and constitutional law. He was a regent of the University from 1877 to 1880.

He was a member of the legislature that directed that the second story of the south wing of the capitol building be prepared for the use of this Society. For nearly twenty years he served us as curator. In December, 1896, he was elected a vice-president, to succeed General Fairchild. He frequently served on important committees, gave liberally to the library, and,

John B. Cassoday

whenever the needs of the Society required, gave it financial support.

He prepared several scholarly discussions of topics of special interest to his profession, as well as a legal text book on *Wills*. But it is the opinions written by him during the years devoted to the work of the supreme court, that must ever stand as his most enduring memorial. Time does not permit any discussion of the many important decisions written by him.

Industry and integrity were the corner-stones of his character. He was left fatherless and well-nigh penniless at the early age of three; so that from necessity, as well as from habit, labor was the watchword of his life. As a lawyer he was never satisfied until he had accumulated all the facts and all the law that would throw light on the case in hand. As a judge he continued the same laborious search. To him there was a sacredness about judicial decisions. He respected the precedents found in the adjudicated cases, and depended upon them more than upon philosophical consideration of the law involved in the case which he had under consideration.

He was fundamentally kind and considerate in all the relationships of life. He possessed that rare combination of a gentle dignity befitting his high office, and a kindliness that made every one who knew him his friend. His long career in the supreme court of which he was chief justice from July 4, 1895, placed him in a position where by precept and by example he could exert great influence upon the bar of the State. His spotless private life, his rectitude of personal conduct, his ambition justly and conscientiously to fulfil the duties of his high office, his ideals of professional ethics and conduct, have all been potent factors in maintaining a high standard of the legal profession in this State. The younger generation of lawyers, especially, have been guided by his example and inspired by his kindly interest in them. The power of the courts is measured, as by the foot rule, by the faith which the people have in their justice and integrity. No judge ever did more to inspire confidence in the courts. Had he written with the pen of a Marshall or of a Ryan, he would not have performed a higher service.

Julius Taylor Clark

By Elisha Williams Keyes

The fourth decade of the nineteenth century was an important epoch in the history of Madison and the Territory of Wisconsin. The fame of the new territory (erected in 1836) and its future possibilities were well-known throughout the Union. Madison, its new capital, like a gem set in the crown of the boundless West, had extended far and wide its reputation for beauty and attractiveness. This little village, soon to become the capital of a great commonwealth, held out great opportunities for eager, ardent young men from Eastern and other states of the Union, who had been quietly watching this shining star in the Western firmament. Among those who made quick response to the summons was the subject of this sketch—the late Julius Taylor Clark.

He and other pioneers of like ability were empire builders. They were men of high character and patriotism, ambitious to identify themselves with the growth and development of the great West. Not one of the new territories, at that period, gathered within its borders pioneers superior or equal to those who first gave energy and life to the founding of Wisconsin.

Julius Taylor Clark was born August 3, 1814, at Isle La Mott, Vermont. When but six years of age his parents removed to New York State, where young Clark grew to manhood and was a graduate in 1837 of Union College at Schenectady. Meanwhile his father's family had removed (1833) to Ottawa, Illinois, where the young student followed them and began the study of law. April 9, 1839, he was admitted to the bar of the supreme court of Illinois, and on May 25 following he was appointed by Judge Ford of the ninth judicial circuit of that state, clerk in chancery for La Salle County. The next year he removed to Madison.



Julius Taylor Clark

Julius T. Clark

When, accompanied by his father's family, Julius Clark settled in Madison in August, 1840, but few men possessing his abilities and his spirit of adventure had preceded him. He had found, however, what he sought; and delighted with the wildness of the place he made up his mind to make it his residence and take his chances in its development. Thus he became prominently identified with the growth and prosperity of Madison. Soon after his arrival he formed a law partnership with the late William N. Seymour, and later entered the law firm of Catlin, Abbott, and Clark. From that time on, during his residence here, he was actively engaged in the practice of his profession.

When I came to Madison to study law in the year 1850, Mr. Clark had been a lawyer here, in good practice, for about ten years. While he had evidently determined that that profession should be his life-work, he did not shirk the performance of other duties, for which he was so eminently fitted, and turned aside from his law practice to encourage the development of our educational system. His own thorough education caused his advice on these matters to be sought and followed to a large extent.

The organization of the State University was one of the first tasks to which the newly-created State of Wisconsin turned its attention. Mr. Clark was a member of the first board of regents, being appointed September 6, 1848, by Gov. Nelson Dewey; and on October 7, 1848, at the first meeting of the board, he was elected its secretary, serving as such until 1856. At this first meeting the selection of the site of the university was made, and building operations authorized. Mr. Clark was largely instrumental in securing the beautiful location of this institution, and contributed of his wisdom and foresight to its organization. He also rendered further service in the interests of our educational system. February 25, 1858, he was appointed by Gov. A. W. Randall a member of the board of regents of normal schools of the State, and on April 5, 1862, was reappointed by Gov. L. P. Harvey; being chosen for a third term February 14, 1865, by Gov. James T. Lewis.

His services in the early days of the State Historical Society were of much value. Soon after the reorganization of 1854 Clark was chosen curator, and served as such from 1855-57 and

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1861-63; during his first incumbency he was a member of the executive committee, and aided in auditing the Society's accounts. He was also a donor to the Library; and in 1862 contributed an article on the Chippewa chief, Hole-in-the-Day, which is published in volume v of the *Collections*.

Mr. Clark's public services were not entirely confined to educational and literary institutions. Soon after his arrival here, that is in December, 1841, he was appointed by Governor Doty, auditor of public accounts for Wisconsin Territory for the term of three years. July 6, 1843, he was given the office of educational agent among the Chippewa nation of Indians, the tribe then being located mainly in northern Wisconsin, to hold such office during the pleasure of the President. In the fulfilment of this duty he left Madison in August of that year, and proceeded to La Pointe on Lake Superior, by way of Milwaukee, Mackinac, and Sault Ste. Marie. He arrived at his destination in time to see the autumn gathering of the tribesmen as they came in to the agency for their annuities. Alfred Brunson of Prairie du Chien was Indian agent there at this time, and with him were Bishop Baraga and Sherman Hall, missionaries at this place. Clark studied the language and customs of these Northern tribesmen. He appears to have made a long inland journey by sledge or *traineau* to the Leech Lake band of the Chippewa, on Sandy Lake. These experiences were embodied upon his return to Madison (1845) in a long poem known as "The Ojibue Conquest." This the author lent to a civilized Indian, to aid him in securing funds. It was finally published by the original writer in 1898. It is a long narrative of the Sioux-Chippewa enmity and warfare, interwoven with a love story, and shows considerable knowledge of Indian customs and traditions.

In addition to public services to education and administration, Julius Clark was especially interested in all matters affecting the town of Madison. This place was organized as a village in 1850 and Mr. Clark was the first village clerk. Later he was elected one of the trustees, thus becoming identified with the first village organization. In 1857, after the chartering of the city, he was chosen alderman, but retired before having completed his term. As early as 1846 Mr. Clark became the possessor of blocks 94 and 95, which now constitute the residence

Julius T. Clark

property of the late Col. William F. Vilas. At that time Madison was a wild spot, unsettled and unimproved, and these lots were, as he once said, "a wilderness grown heavily with large trees and underbrush." He made the first improvements on that side of the village, really the first made on the north-west side of the capitol park. He built a fair-sized frame house, and there are those living in Madison today who remember the appearance it made to the onlookers, nestling as it did in the midst of a forest. In 1859 he constructed, on the same spot, what at that time was considered a very fine brick residence, which he occupied until his removal from the city. Mr. Clark early appreciated the natural beauty of this fine location, the finest in Madison today, although in its native wildness it was overlooked, and he was the first to make an effort to secure it. In later years his taste and judgment have been fully verified by the consensus of opinion that this location is one of the most beautiful residence sites in Madison.

Not long after his return from the Indian country, Mr. Clark married (1846) at Madison, Palmyra Cornell, who died in 1853. She left two sons, the elder of whom, Julius Scott, still lives in Topeka, Kansas. The following year Juliet Milard of Dubuque, Iowa, came to share the Madison home, and having removed West with her husband lived until 1899. Of her children one son died in 1903 in Idaho; Mrs. Louis Henry Wolff, a daughter, lives in Indianapolis; while with Mrs. J. W. F. Hughes, the other daughter, Judge Clark made his home in his declining years.

His residence in Madison extended over a period of twenty-five years, and during all this time he was a very busy man. While his law business really required his undivided attention, his great interest in questions which concerned the growth of the Territory and State induced him to devote much time to those matters. While not pronouncedly active in politics, his sympathies were largely with the Whig party and later with the Republicans. Some time in the decade of the fifties, he assisted in editorial work on the newspaper representing those principles—the Madison *Express*.

It was with great regret that Mr. Clark felt that his health and his interests required him to seek a new location, and perhaps a wider field for the practice of his profession than that

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which Madison afforded at that time. Therefore in 1866 he removed to the new state of Kansas which, since his residence there, has progressed in a wonderful degree, and become one of the greatest commonwealths in the then distant West.

In Kansas, Clark settled first at Burlingame, where he bought land and planned some manufacturing enterprises. After something more than a year's residence in this place, his attention was attracted by the prospects of Topeka, and he removed (1868) to that place, where he spent the remainder of his life. But little time and attention was devoted by Clark to professional life after removing to Kansas. At Topeka he built a gas plant, of which he was active manager until 1895. He was in Kansas, as he had been in Wisconsin, closely identified with educational and philanthropic interests. Presbyterian colleges, both in Kansas and Missouri, benefited by his liberality. The local church and charities were fostered by his care. During the autumn of his life he was occupied in philanthropic and literary labors, publishing two small volumes of verse. The former contained, in addition to the Indian poem already noted, religious poems, translations of Latin hymns, and Latin renderings of well-known English hymns. The second volume, privately published in 1902, is known as *Horae Senectae*, and reveals a calm and peaceful mind full of faith in the unseen future. Death occurred at Topeka, May 23, 1908.

In my first acquaintance with Mr. Clark I was not impressed with the idea that he possessed a strong physical constitution. Nevertheless, he was constantly at work, never idle, pursuing the even tenor of his way, in the conduct of his own business, with plenty of time and thought for the conservation of public interests. I cannot think of anyone who contributed more to the advancement of popular education than did Mr. Clark.

When he left Madison, he carried with him to the new state of his residence the same disposition and determination to accomplish something for the public good. Seventy years of his long and useful life were spent in the capitals of two great states of the West, where he left a strong impress of his high character and great usefulness. The record which he made in Wisconsin, his association with the early growth of Madison, and his close identification with all matters springing from this centre for the benefit of the State, was most important.

Julius T. Clark

To sum up his life-work, it may be said that he was an honest and unselfish man; that while engaged in the practice of his profession he still had time to devote to the cause of the public good; and that he accomplished much in whatever direction his talents and energies were devoted. I can say most truthfully that no man ever went out from our midst who left behind him a better record of labor and devotion to all which conserved the best interests of our city; and notwithstanding over forty years have elapsed since he removed from us—nearly half his life time—there are still a few yet living here who cherish a remembrance of the many virtues he possessed, and his disposition to do good to all as he had opportunity.

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Nils Otto Tank

By Hjalmar Rued Holand

The Norwegian immigration to America began in 1825, but until the later thirties did not assume any significant proportions. By 1850 there were in America about 16,000 Norwegians of the first and second generations. The majority of these were scattered in a half dozen settlements in the extreme southern part of Wisconsin.

In Milwaukee, there was a transient population of about 300 of this nationality. One of the first of these to make a permanent residence in the city was a pious Moravian by the name of Olson. He was a pleasing singer and an ardent evangelist, and as there were no regular local Lutheran services in the mother tongue, he had many followers. By 1849 he had gained so many proselytes that he wrote to the headquarters in Norway for an ordained minister to take charge of the work. A. M. Iverson, a young student, was sent at once, and he was ordained in Bethlehem, Pennsylvania, in the spring of 1850. He was the first Moravian minister in the West.

At that time there were very hard times in Milwaukee, little work and poor pay. The city was likewise turbulent and vicious. Accordingly, the little Moravian colony was anxious to move out of the town, both to secure a safer living by agriculture and to save their children from being contaminated by the wickedness that surrounded them. As they were all poor, they appealed to the headquarters in Norway, stating their humble circumstances and great distress, and asking for assistance, either by gift or loan. Again were their wants attended to. In reply, came a man of much wealth and great charity, Nils Otto Tank, one of the most remarkable Norwegians who has taken up his home in this country.



Nils Otto Tank

Nils Otto Tank

A short distance from the busy city of Frederikshald, in one of the most charming parts of picturesque Norway, lies the great estate of Röd, for many generations the patrimony of the Tank family. Its far-reaching, fertile fields, tilled by scores of industrious tenants, bear witness of its wealth. The spacious parks and ancient game preserves tell of its pleasures. The dignified manor house, filled with treasures garnered through centuries, speaks of its luxuries. In the centre of the park is the family cemetery, where lies many a noble statesman and valiant soldier; and close by are three gigantic mounds where rest the remains of their favorite riding horses, on whose backs, in the ancient days of sport and pleasure they dearly loved to roam the rolling uplands.

Here in the year 1800, was born Nils Otto, the last son of the house of Tank. The Tank family always claimed to belong to the nobility, and generally were looked upon as belonging to such, although this is not substantiated by history. The foundation for this claim lies in the report that in the war times of 1660, the first Tank fitted out some war vessels at his own expense, and lent his sovereign signal service. For this, King Frederik III publicly gave him *Dank* (thanks), and said that this (i. e., Dank) should hereafter be his name.

Be that as it may, Carsten Tank, the father of Nils Otto, was more than a noble; for he was the prime minister of King Christian Frederik in 1814, Norway's most momentous year of history. In those volcanic times of Napoleon, when one ancient throne after another tottered and fell, Carsten Tank had navigated the heaving sea of politics with consummate skill. It is rumored that he lent a hand in dethroning Gustav IV. He had seen Norway pass from Denmark to Sweden. In the front rank of his countrymen he had refused to acknowledge such chattel transfer, and had joined in declaring Norway free and independent. He had been called by Norway's first king to take the helm of the ship of state, as prime minister. Being the first to understand the inefficiency of this monarch, he had sacrificed his allegiance to his king for that to his country, and was the chief man in calling together the Convention of Moss, whereby King Frederik was deposed and Norway entered into her long-continued personal union with Sweden, under one king.

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In all this, Carsten Tank had served his country ably and faithfully, but now his personal ambitions begin to play the upper hand. By this union with Sweden, King Karl XIII became King of Norway. King Karl was old and childless. Upon his death who would take the reins? The resolute Tank despised the feeble sons of decaying dynasties. A sturdy chief of his own soil was what this country needed. Why then, he reasoned, should not his own promising son come into consideration? He was the scion of proud lords, had a royal bearing, possessed great learning and abilities, and his father was a controlling force. In those troublous times, with their schemes and cabals, when kings forthwith were deposed and commonwealths traded like horses, this was no impossible ambition. Strong hands and crafty plans, and a wedding with a princess of some royal house, would accomplish the end. Nils Otto was sounded, and the ardent young cavalier entered with enthusiasm into the plans. Once more he was sent abroad, in the hope that intercourse with the best society of Europe would gain the last smooth finish to his already considerable culture.

Matters developed most promisingly. After a protracted stay at foreign courts and universities, Nils Otto had acquired a most faultless bearing and extensive accomplishments, and was about to start home to play his part in the intrigues of the court. Then it happened that far up in the mountains of Saxony, in the little town of Herrnhut, he looked into the deep, serious, soulful eyes of Marian Frueauff, daughter of a clergyman among the pietistic brethren who inhabit that place. Like a sudden awakening from a dream, his vision changed. Forgotten were his father's worldly injunctions, the dream of royalty, the pomp and power of court, and worldly honors and ambitions. His love was unconquerable, and in a few weeks he journeyed home with his bride.

But his father, the iron-willed old statesman, had forgotten all about love and romance. His dreams of founding a dynasty were dissipated by the amours of his son, and lost was his sweetness of life. With scornful upbraidings he gave his son the choice of rejecting his plebeian wife or being himself an outcast.¹

¹The foregoing narrative of court intrigues is naturally not a matter of historical record, but is the substance of chance confidences, dropped in the intimacy of family fellowship, and communicated to the writer.

Nils Otto Tank

But this was more than a passing infatuation with Nils Otto. He not only acknowledged his wife, but, persuaded by her gentle influence, he also acknowledged his conversion to the simple Moravian faith. Thereupon he entered a long term of work for that cause, first as teacher, and later as missionary to the slaves of Surinam (or Dutch Guiana). Henceforth, for many years we see Otto Tank, who had been reared amid the *bon-mots* of brilliant *salons*, humbly and patiently teaching the gospel of salvation to tawny heathen in distant tropics.

During his student years, young Tank had been much interested in mineralogy, showing considerable promise in his researches in this field. In far-away Surinam this scientific knowledge played him a good part, for he discovered the extensive gold fields that later made Guiana famous. But the wealth he appears to have gained by this discovery was of little comfort to him, for the deadly climate was too much for his wife, whose remains are buried there. Desolate, and hungering for intercourse with men of his kind, he finally took his four-year-old daughter, Marian, and in 1847 left for Europe.

Tank now lingered for some time in Holland, where at Amsterdam he made the acquaintance of a distinguished clergyman and scholar, the Rev. J. R. Van der Meulen. He was the descendant of a long line of prosperous art collectors and bibliophiles. Van der Meulen's house was filled with a wonderful collection of antique furniture of most artistic workmanship, choice plate and paintings, rare bric-a-brac, and thousands of volumes of ancient books and manuscripts of inestimable value. Considerable wealth had also come to him through his wife, formerly chief lady-in-waiting at the court of Holland, and daughter of the famous General Baron von Botzelaar, who, in 1797, had repulsed Napoleon at Willemstadt. For this service the baron was munificently rewarded by the crown. In Catherine, the daughter of this family, Tank found a congenial companion, and she became his wife in 1849, shortly after her father's death. Thus all these Dutch treasures became a part of the Tank household.

Soon after Tank's return to Norway in 1849, there came to his notice the humble appeal from his poor countrymen and brethren in the American Middle West. In this petition for help he saw the finger of Providence indicating the field for the use

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of his abilities and means, and hastened to obey. He came to Milwaukee in the spring of 1850, and it is reported that he brought with him \$1,500,000. After looking over the State, he purchased 969 acres of fertile timber land on the west bank of Fox River. This tract, still known as "Tanktown," now comprises the eighth ward of the city of Green Bay. Hither he invited the Moravian colony of Milwaukee to come and settle, and promised free lands to all. The offer was received with joy by his countrymen, and in August, 1850, the whole colony moved to the new settlement—some twenty-five families in all, including Pastor A. M. Iverson.

Tank's first work was to lay out a number of lots on both sides of what is now State Street. Surrounding these, larger (ten acre) lots were laid out. These building sites were then, according to Moravian custom, apportioned among the colonists by lot. The farm lands surrounding the village site were later to be surveyed. A park covering about two acres was also laid out on the bank of the river; this was to be the site for the church. Meanwhile, the north room of Tank's cottage was consecrated as a place of public worship. The congregation, together with the village, received the name of Ephraim; that is, "the very fruitful."

Being himself a man of education, Tank appreciated the importance of schools, and proceeded at once to erect a commodious two-story schoolhouse. This was intended to be an academy for arriving Norwegians, and in the first year (1851) was attended by five young men. This was the first Norwegian school in America.

The founder entered into his communistic plans with enthusiasm. He meditated on them as he walked through the serene silence of the woods, and pondered on their ultimate development as he sat on the banks of the peaceful Fox. He thought of his extensive travels in many lands, of his father's royal dreams, of his long service as missionary in tropic Surinam, and felt that here in the primeval wilderness of a new continent the Lord had shown him his true field of work.

Perhaps he was to be permitted in some slight measure to emulate the shining example of that great man of God, Count Zinzendorf, who had founded a religious community, and whose influence had gone to the outermost parts of the earth. His



Röd Herregaard, Frederikshald
Ancestral home of Nils Otto Tank



Tank Cottage, Green Bay, in 1906

Nils Otto Tank

countrymen were every year coming by the thousands to America, destitute and friendless; he would help them out of the bounty with which the Lord had blessed him. There was no established church to minister to their spiritual wants; in his community they should find a well-ordered service and sanctuary. Their children needed education and religious training; in his schools they should be amply provided.

In imagination he saw the timbered solitudes give way to well-tilled, sunny fields; thrifty villages, noisy with the laughter of romping children; busy factories filled with contented workmen. He seemed to hear the full-toned hymns of praise from crowded churches, and saw devout young men in his Bible school studying the word of God, preparatory to a missionary life. As plan and prospect opened before him, it seemed to him vastly greater to be the steward of God for the relief and help of the needy in a far-away land, than to be the envied and uneasy head of a petty temporal principality.

But as a fair vessel, with every sail bent for a quick and successful voyage, is sometimes suddenly overturned by the wind that was to waft it onward, so Tank's noble plan was frustrated by an unexpected agency. Pastor Iverson was an honest and well-meaning man; but because of wide temperamental differences he failed utterly to comprehend Tank's character and aims. Furthermore, being of an excitable and imperious temperament, Iverson was irritated at occupying a secondary place in the colony.

He personally confessed to the writer, that he could not understand what a man of Tank's wealth and opportunities really meant by settling in this wilderness, and suspected him of scheming to enrich himself by introducing the obnoxious tenant system of Norway. He therefore demanded that Tank deed the balance of the lands to the settlers. Under the existing conditions, this was partly impossible and partly contrary to Tank's plans.

Iverson, feeling his responsibility as shepherd of the flock, thereupon fomented distrust among the communists, and urged them to withdraw. Tank disdained to go about justifying himself. The result was, that about all the colonists decided to go with Iverson to the northern part of Door County, where great profits were held out to them in fishing. Iverson not only took

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away with him the colony, but also its plans and even its name. Ephraim, in Door County, is now the centre of extensive Norwegian settlements numbering several thousand people.

One day in May, 1853, a vessel tied up at the dock in front of the Tank cottage, to convey the colonists to their future home. The day was radiant with the promise of spring, but it was the darkest day in Tank's life. He saw the deluded emigrants hurry down to the vessel with their few earthly possessions. Their children carried their simple, home-made tools; their poor wives struggled with the heavy emigrant chests; and the men shouldered their sacks of potatoes and grain, and brought their few cows and chickens on board. As Tank looked on their honest faces, pinched with poverty, and saw the heavy movements of their limbs, stiffened by excessive labor, now about to carry them off to greater privations and toil, they appeared to him as wayward children, sulkily denying themselves a gentle father's care. How his heart yearned for these people! How gladly would he have gathered them in his arms, like a hen gathering her chickens under her wings, but they would not!

He could not follow his people. They had spurned his gifts, and to urge further kindness upon them would but confirm them in their suspicions. Their paths and his had no future crossing. Nor would he return and take possession of the ancestral hall in Norway. His complacent relatives, smugly intrenched in pharisaic conventionalism, had with complacent pity seen him abandon the honors and pleasures of a brilliant career to become a missionary to the slaves of South America. They would see little additional honor for him in being jilted by a lot of praying emigrants. Better a secluded life on the banks of the Fox, where there was time to meditate on the futilities of life.² So there Tank remained until his death, with the exception of a few trips abroad for the education of his daughter Marian.

Disappointed in philanthropy, Tank now turned to business, chief of which was his share with Morgan L. Martin and others in building the Fox-Wisconsin rivers improvement. In those days, before the railroad had become a recognized success, water transportation was the great economic problem, and canal routes

²For the most of the narrative touching on Tank's colony at Green Bay, the writer is chiefly indebted to Rev. A. M. Iverson, of Sturgeon Bay, now deceased.

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were everywhere surveyed. Chief in importance seemed to be the Fox-Wisconsin route—the old highway of the Indian and the fur-trader. Millions of dollars were eventually spent on this enterprise, in the expectation of being reimbursed by State and federal lands; but the legislature refused to recognize the claims of the company, and Tank, with others, suffered heavy losses.³

In the midst of the protracted annoyances incidental to the settlement of the canal affairs, Tank took a sudden illness, and died in 1864.

Very few men knew Mr. Tank. His antecedents, scholastic training, and experiences of life, all made him averse to confidential intercourse. On the other hand, his old neighbors at the mouth of the Fox have not yet forgotten their awe at his aristocratic bearing and perfect presence, which debarred them from treating him as an equal. With his scholastic training and excellent library, he found more pleasure by his fireside than in the outside world. At the time of his death, he had written extensive memoirs, throwing much light on the political game at the Norwegian court of his youth, as well as explaining his connection with the Herrnhut colony of Green Bay. He also left essays of much importance on the topography and minerals of Surinam, with reference to the gold beds of that country. These writings were subsequently to be published; but his wife, harassed by business cares, deferred the matter. Later, she became so dispirited through being frequently victimized by confidence games and bogus claims of charity, that, fearing unfavorable publicity, she ordered all of her husband's letters and writings to be destroyed.

By many, Tank's life was looked upon as a failure. Considered as a tragedy of miscarried hopes, it was. As were the ambitions of his father, the stern premier, so were the endeavors of his son, the scholastic pietist. But his failures were more pregnant with the elements of progress than are the successes of most men.

³For the Fox River Improvement Company see *History of Northern Wisconsin* (Chicago, 1881), pp. 99, 100, and John Bell Sanborn, "Story of the Fox-Wisconsin Rivers Improvement," in *Wis. Hist. Soc. Proceedings*, 1900.

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His daughter and only child, a gifted young woman, died in 1872. His wife passed away in 1891. Her will provided that the remaining property, amounting to about \$100,000, be distributed to different missions. The furnishings of the house, which were more like the contents of a museum of rare art than prosaic articles of housekeeping, were sold at auction, and the splendid collection of centuries was scattered for far less than its worth. The Kellogg Public Library at Green Bay is in possession of one of the chief pieces of furniture, a magnificent cabinet of unsurpassed workmanship, which eminent *connoisseurs* pronounce one of the finest examples of marquetry work in America.⁴

The Tank Library, numbering some 5,000 volumes, largely of Dutch books, had in 1868 been presented to the Wisconsin Historical Society. Information gleaned from some of the old Dutch atlases in this collection, in 1899, helped to settle the boundary dispute between England and Venezuela; thus doing its part in averting a possible war with Great Britain.

⁴The Tank cottage is almost two hundred years old, being the first house in the Northwest built west of Fox River. It is now the oldest building in Wisconsin. It has been acquired by the city of Green Bay and moved to Union Park.



William Freeman Vilas

William F. Vilas

William Freeman Vilas

By Burr W. Jones, M. A.

For about forty years this Society has been honored by the membership of William Freeman Vilas, in whose memory I am asked to submit a brief sketch. He was born in Chelsea, Orange County, Vermont, July 9, 1840.

His father, Judge Levi B. Vilas, was also born in Vermont, and for forty years resided in that commonwealth, where he was a lawyer of state-wide reputation, and where he was long a member of the state assembly and for a time state senator. He was judge of probate, and once the choice of the Democratic party for United States senator. In 1837 he married Esther G. Smilie, a woman of rare gentleness and worth. William F., Henry, Levi M., Charles H., Edward P., and Esther were children born of this marriage, of whom only Charles and Edward now survive.

In 1851 Judge Vilas selected Madison, Wisconsin, as his future home, being actuated largely by the belief that this city would afford a far better opportunity than his Vermont home for the education of his children. In Wisconsin he was for twelve years a regent of the State University, was mayor of Madison, and during three terms member of the legislature. Before coming to Wisconsin, he had accumulated for those days a moderate fortune, and only for a brief time re-entered the profession in which he had won high reputation in his native state.

I cannot here dwell upon the boyhood of William F. Vilas. But I have been told by some of his comrades that, when he was a lad, he was among the foremost in all the sports in which they engaged; even as a boy he showed the energy and the masterful spirit, the zest for games and social enjoyment, which characterized his whole life. In those days our State University was both a preparatory school and a college. For seven years he there pursued his studies and graduated at the age of eighteen. He

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then for two years attended the Albany Law School, in New York, where he formed some of those friendships which endured for many years. Among others there, he came to know Col. John H. Knight, and between them continued a warm and life-long friendship.

On his twentieth birthday, in the year 1860, he was admitted to the bar, and formed a law partnership at Madison with Eleazer Wakely, who is still living, and who was at one time chief justice of Nebraska. Mr. Vilas had, however, hardly entered upon the work of his profession when the stirring events of the War of Secession turned his thoughts to other things.

His father had been a life-long Democrat, and although the young lawyer had espoused the principles of that party, like most of his associates in the Northern states he had no sympathy with the doctrines of secession.

Before the outbreak of the war he had been captain of a local military company of zouaves. He was by no means lacking in military spirit, and, filled with enthusiasm for the Union cause, he quickly raised a company, being in 1862 commissioned as captain in the Twenty-third regiment. Guided by his zeal and enthusiasm, his company was the first fully organized in the regiment, and he was entitled to be the senior captain; he at first declined this honor, suggesting that it be given to some older man, but his brother officers insisted that he should bear the honor he had earned. He was rapidly promoted, soon became lieutenant-colonel, and for some time served in command of his regiment in the memorable hard-fought battles around Vicksburg and in its siege.

Soon after the fall of Vicksburg, he was urged by his father, who was then engaged in serious litigation largely affecting his property interests, to return and to come to his aid. He accordingly resigned his commission, much against his inclination, but never lost interest in the struggle and in the memorable campaigns in which the Army of the Tennessee engaged. He won distinguished honors in his military career and the enduring confidence and friendship of Generals Grant and Sherman, friendships which were shown in many ways and continued throughout the lives of those great generals.

In the later years of his life, Colonel Vilas had no keener enjoyment than in reunions with his old comrades. They remem-

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bered his enthusiasm as a young officer, his zeal and care for their welfare; and it was one of his many services for the State, that for some years before his death he had taken an active part in planning the Military Park at Vicksburg and in assisting in there erecting monuments to commemorate the valor of his fellow soldiers.

On January 3, 1866, he married Anna M. Fox, daughter of Dr. William H. Fox, of Oregon, Wisconsin, who was as widely known and loved as any physician in Southern Wisconsin.

Following this marriage, came forty-two years and more of congenial and happy married life, saddened, however, by the deep affliction of the loss of three of their children. Levi Baker, a promising lad of seven, died in 1877. On April 3, 1893, Cornelia, at the age of twenty-five, was taken away, leaving behind her the fondest memories of a sweet and beautiful young life. The final blow came to the stricken father and mother, in the loss of their son Henry in 1899. He had graduated at the State University and its Law School, had married in 1897, and around him had centred the brightest hopes of his stricken parents.

It is doubtful if after this blow the fond father ever quite regained his old buoyancy of spirit; and as the evening of life came on, his solicitude and tenderness for his brave and faithful wife and for his daughter, Mrs. Lucien M. Hanks, and his two little grandchildren, showed his deep anxiety and his fond hope that they might be spared to him.

After his return from military service he entered upon the practice of the law, and until 1885 continued without interruption in the profession he dearly loved. Although he was thoroughly equipped in every way, and endowed with natural eloquence and great attractiveness of manner, he never relied upon these gifts for success. With untiring industry, he in each case mastered every detail of fact and law, and soon became one of the most successful and well known of the lawyers of this Commonwealth. Before he was thirty years of age he had won a State reputation, and was fully a match for any of the gifted lawyers of the capital city.

He chiefly differed from his distinguished associates of the bar, in his wonderful versatility. He stood in the very front rank in his powers of persuasion and eloquence. He mastered the principles of the law; he studied with delight the decisions

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of the great jurists; he was equally at home before a jury of farmers or the ablest judges upon the bench. He had a natural aptitude for business, and could master with facility the complications of accounts and commercial details. He was equally at home in defending one accused of murder, or in construing statutes, or in arguing abstract principles of law. If he had won distinction in no other fields, his reputation as a lawyer would have given him an enduring fame in the history of his State.

It was natural that one of his temperament should take a deep interest in public affairs. Very early in his manhood he was in constant demand for those occasional addresses so often demanded of the eloquent lawyer. In every political campaign after his return from the war, until he became postmaster-general, and for years afterward, no citizen of the State was in greater demand as the advocate and defender of his party. Long before he entered upon public life, his fame as an orator had become national. By a single speech delivered in Chicago in 1879, at a banquet given in honor of General Grant by the Society of the Army of Tennessee, he placed himself among the most prominent orators of this country.

When little more than thirty years of age, he was recognized as one of the leaders of his party in this State. He was sent as a delegate to the national conventions in 1876, 1880, 1884, 1892, and 1896. Many times his party would gladly have followed him as their leader, had he been willing to accept the nomination for governor; but he early formed the resolution not to abandon his profession for politics.

Governor Taylor tendered him the appointment as chief justice of the supreme court of Wisconsin, as the successor of Chief Justice Dixon; but even this honor, which strongly appealed to his professional ambition, was declined in order that he might hold to his cherished purposes.

When thirty-five years of age he was appointed one of a commission of three to revise the Statutes of Wisconsin, and for about three years, while carrying on his professional work, he labored with accustomed energy in the performance of this duty. It was a great undertaking, one that furnished additional proof of his industry and learning, and one that helped to prepare him for the still greater responsibilities yet to come. From the very beginning of the University Law School, in 1868, until

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1885, he served without interruption as one of its professors, bringing to the work all his power and enthusiasm.

In the fall of 1884 he departed from his usual custom and accepted the nomination as a member of the assembly. During this session happened that memorable disaster in which Science Hall of the State University was burned to ashes. To the friends of the University it seemed an appalling catastrophe. The legislature was hard pressed from every quarter, for necessary appropriations. There were few who dared to hope that the building could be replaced for some years. But it was in such emergencies as this that the real mettle of Colonel Vilas was shown. With determined energy he undertook the task of restoring to the University its loss. As the climax of his efforts he made a memorable address to the legislature, one which, I think, he regarded as the best he ever made. There was no longer doubt of the result and the appropriation was made. The disaster, the remarkable plea of Colonel Vilas, and the generous patriotism of the legislature, attracted wide comment in other states.

It was during this session of the legislature that he was called to a public service of immense responsibility. His wide fame as an orator had led to his election as chairman of the National Democratic Convention in 1884. By his address on that occasion, in which with his usual power he outlined the policies of his party, he won the admiration of Mr. Cleveland. When the latter selected his cabinet, he chose Mr. Vilas, then about forty-five years of age, as postmaster-general. With all his wide experience in other fields, Mr. Vilas had had little experience in public life, and all his efforts in public affairs had been in behalf of his friends. There had been no Democratic cabinet for twenty-five years. On the accession of the party so long in the minority, there came an eager struggle for the patronage and the offices of which Democrats had so long been deprived. Far more than any officer in the federal government, the postmaster-general was subjected to pressure for place. Mr. Vilas foresaw that he could not hope to satisfy the claims which would be made upon him, that he must disappoint and estrange many who had been his friends. While he met this trying responsibility as well as possible, he conceived it to be still more important to bring about reforms in the postal service.

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Mr. Cleveland had known his power as an orator, his popularity with his party, and his fame as a lawyer, but he had not realized his remarkable power as a man of affairs and business. His quick comprehension of all the complications of the postal system amazed the president and his brother members of the cabinet. It was no secret that very early the president learned to rely upon him, not only to carry the loads of the postal service but in the other great problems of administration. To those who knew Colonel Vilas it was early predicted that in this new field of labor he would win the admiration of his colleagues. But he did far more than this. His reports showed such profound knowledge of all the needs of his department, that he won the support of senators and members of the opposing party, who soon found that although he did not neglect his duties in dispensing patronage he recognized that his paramount duty was to render efficient service to the government.

During his service in this position, there was a memorable struggle in which he opposed a \$400,000 subsidy to ocean steamers. A statute granting this amount had already been passed by the last Congress. Colonel Vilas pointed out the defects in the law, claiming that it was impossible of execution. The question came before the new Congress, and there is no doubt but that his arguments were largely influential in leading many Republicans to vote against the bill and to cause its defeat. He had entered into this contest well knowing the power and influence of the interests backing the proposed subsidies. During all his years of manhood he had fought the theory that the government should bestow favors upon special interests, and he always looked with great satisfaction upon this victory.

During all this service as postmaster-general, Mr. Vilas delighted in the hearty co-operation of his companion and friend, Gen. Edwin E. Bryant, whom he loved as a brother and who had become assistant attorney-general in the post office department. For many years they had worked together as partners, and now they again worked as partners in the public service—often to the early hours of morning, paying little heed to the social life of Washington, laboring to bring order out of chaos in one of the great departments of the government.

After several years of these labors, a remarkable tribute was paid by the president to the capacity and energy of his post-

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master-general. He called upon Colonel Vilas to place upon a similar footing another department of state, and appointed him secretary of the interior. He had already proved himself a great administrative officer; he was now called to a department calling for the same capacity, and also demanding a lawyer of the first rank. All the complicated legal questions involving many millions of dollars growing out of the tangled system of statutes affecting land grants, were pressing upon the office. The Pension Bureau, the Patent Office, the Land Department, the Indian Service, all had their complications, and all called for the kind of ability and courage and industry, that he was known to possess. In this new field of work it was his duty to render many judicial decisions, involving often new questions of law, the titles to vast tracts of land, the rights of settlers, and the rights of the Indian tribes. He found the work of his department several years behindhand; but on his retirement he had almost succeeded in clearing up the vast accumulation of work that he had found awaiting him.

Soon after he left his post, at the close of President Cleveland's term, there ensued other scenes of political activity. In the year 1890 came the State campaign upon new issues in Wisconsin politics. Mr. Vilas had greatly regretted the defeat of Mr. Cleveland for reelection in 1888, and he hoped for a reversal in the next great campaign of the people's former verdict. Having in mind present and future issues as well, he entered into the State campaign with his usual enthusiasm, and when success came to the Democratic party, and the legislature was able to elect a Democratic successor to Senator Spooner, there was no doubt on whom the choice would rest, or the fitness of the choice. When Colonel Vilas entered the senate of the United States, he was the peer of any of his great predecessors from Wisconsin. No one of them had been more learned or eloquent; no one of them, at the time of taking the office, had had the stern training which comes from presiding at the head of two of the great departments of government.

It was but natural that in Mr. Cleveland's second term he should lean upon one who had performed such herculean labors in his former administration. There was at that time no stronger debater in the senate, than Colonel Vilas. There was no one who had known so intimately all the details of policy of

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Mr. Cleveland's former administration, which were often subjected to partisan criticism. Mr. Vilas soon became known as the defender and supporter of the administration in the senate. This subjected him of course to the embarrassment and the criticism necessarily incident to such a place. But disloyalty was a thing unknown to William F. Vilas. He bore the inevitable criticism, and during the four years of Mr. Cleveland's second administration fearlessly fought the battles of his party and his chief. It was a period of embarrassment and trial, one in the midst of a great financial panic, in which whether justly or unjustly the administration and those connected with it were subjected to the fiercest attack.

Time will not permit a detailed examination of the senatorial record of Mr. Vilas. It suffices to say that although he had only one senatorial term, there was no more conspicuous member of the senate within his party, and no one on whom the president leaned so much. There seems every reason to believe that, if his fortunes had been cast in early life with the dominant political party in his State, his eloquence, his learning, his marvelous capacity, his masterful spirit, would have made him for a long period of years a great leader in public life.

In the year 1896 there came to the Democratic party one of those sudden changes which now and then greatly affect American politics. Periods of great financial distress are almost certain to bring to the front new theories of finance. No men in public life had labored more zealously to prevent the evils of a depreciated currency, than Grover Cleveland and William F. Vilas. They were by no means blind to the perils besetting any dominant party in times of financial distress, but they probably did not fully foresee the radical change of public sentiment that made possible the celebrated free silver campaign of 1896. When his party at Chicago committed itself to that view, Mr. Vilas, together with many who had been the chosen leaders of the party for many years, refused to support the platform and the candidate. He bore a very prominent part in the National Democratic convention at Indianapolis which placed General Palmer in nomination for the presidency. In that convention he drafted much of the platform, as he had borne a conspicuous part in the preparation of platforms in former national conventions.

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This revolution in the history of the Democratic party greatly affected the political fortunes of many of those who had long been its trusted leaders. Although most of the rank and file of the party followed their new leader and the new platform, and although there was often bitterness expressed because Colonel Vilas did not yield his convictions and support the new platform, no one doubted the sincerity of his motives. His friends well knew the sorrow and regret with which he parted from the comrades with whom for many years he had fought the battles of his party. This is no time for the discussion of the wisdom of his choice; but it is undoubtedly the fact that the adoption of the free silver platform in 1896 greatly affected his public career, as it did that of most of those who had long been the leaders of the party.

After returning from the senate, Mr. Vilas never actively re-entered the profession of the law. He continued to assist his party in its campaigns, whenever he could support its platforms, but gave comparatively little time to politics.

It is one of the proofs of his wonderful versatility, that during all the years of legal practice, during all his strenuous life in Washington, he had kept alive his enthusiastic love of the best literature, a passion dating back to his University days. Those who knew him intimately, well remember his remarkable familiarity with the great poets and the best prose writers of England and America. On his retirement from public life, he found in his spacious, well-filled library, that solace and delight that only the lovers of good literature can ever know.

It must not be inferred that the last ten years of his life were without other activities. He had always been successful as a practitioner and as a financier; but the lawyer, however successful, seldom accumulates a fortune. Before he entered public life he had accumulated a fair competence, nothing more. He had received some inheritance from his father; but, as was well known to his friends, the great fortune of which the State of Wisconsin becomes the chief beneficiary, was made during the last ten years of his life. During that period, when he was neither bearing the cares of clients nor the burdens of public responsibility, he was making investments in many fields, that brought him large returns. Although cautious and far-seeing, he was courageous, almost fearless, in his business plans. After

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thorough investigation in making his investments, he would incur an indebtedness that would have appalled him if, in younger days, it had been suggested by a client.

Any sketch of the life of Colonel Vilas that failed to mention his love for the State University and his loyalty to his State, would be wholly inadequate. Much of his public service was rendered at a time when public men were too often lacking in a keen appreciation of the favorite maxim of Colonel Vilas's father, that "Public office is a public trust." Too many of his contemporaries in public life failed to realize that the power of place and patronage must not be used to serve private ends.

So scrupulous was he in this regard, that he often refused to receive compensation for public service, even though to do so would have been within the strict letter of the law. While regent of the State University he several times refused to accept pay for laborious service in litigation for the State. While United States senator he gave his time lavishly, helping to save to the State hundreds of thousands of dollars in the treasury suits, but declined to receive the slightest compensation. In the last years of his life, when he talked freely with his friends of the scenes of his eventful life, it was plain that he looked on no part of that life with such satisfaction as that in which he had served the State without hope of reward.

For many years he gave freely of his time in serving as one of the Board of Regents of the State University. A considerable part of the last years of his life was spent in earnest toil as a member of the Capitol Commission, and it was his fond hope that its new capitol building might be an edifice worthy of the great State he loved, and that the work might be completed without suspicion that the State had been defrauded of a cent.

The first years of his young manhood were given to his country, the very last days of his busy life were devoted to his State. It was a fitting climax to his remarkable career of patriotic devotion to the State, that he should bestow upon it by far the largest benefaction which any citizen has yet contributed. The State of Wisconsin is the chief legatee of his handsome fortune; but far more than that, it is the inheritor of the honor of a great citizen, whose talents and patriotism will shed lustre upon her name forever.

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